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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

JOHN SAYYAH & BRENDA FRANK

pro se plaintiffs

CASE NO. 01-CV-459

-vs-

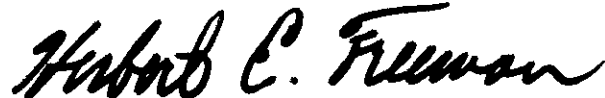
MOTION TO HAVE PLAINTIFFS
SAYYAH & FRANK SHOW CAUSE
WHY THEY SHOULD NOT BE
HELD IN CONTEMPT, AND FOR
SANCTIONS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE ELEVEN [11]

WAYNOKA PROPERTY OWNERS
ASSOCIATION, ET AL

defendants

JUDGE WATSON/MAGISTRATE BLACK

Defendant Herbert E. Freeman, Ohio Registration Number 0005364 but herein proceeding pro se, hereby moves this Court for an order requiring plaintiffs Sayyah & Frank to show cause why they should not be held in contempt, as well as a request that this Court consider sanctions against plaintiffs pursuant to Federal Rule of Civil Procedure Eleven [11]. Attached hereto is the appropriate recitation of supporting facts & memorandum of law, which movant asks be treated as an affidavit, since movant is an officer of this Court.



Herbert E. Freeman [0005364]
Attorney at Law & pro se
defendant-movant herein
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Defendant Herbert E. Freeman as well as 41 other defendants have been repeatedly sued by John Sayyah and various combinations and permutations of coplaintiffs, in this case as well as in five [5] other cases in United States District Court for the Southern District of Ohio. Those cases have previously been specifically identified both by movant as well as by Magistrate Judge Timothy Black, whose well-reasoned and detailed recommendation dated the 1st of November of 2004 supportive of dismissal of this case for plaintiffs' failure to state a cause of action for which relief can be granted [and for other identified reasons] concluded with the admonition "This case is over".

Plaintiff John Sayyah and said combinations and permutations of coplaintiffs have also filed 12+ lawsuits in the Brown County, Ohio Court of Common Pleas. In both the State of Ohio cases and in the District Court [and Sixth Circuit cases], plaintiffs have exhibited a common modus operandi:

Plaintiff John Sayyah, who thinks that "pro se" means "consequence-free", is a "vexatious litigator" within the meaning of Ohio's vexatious litigator statute. This defendant has two cases in Ohio Court wherein vexatious litigator counter-claims are pending. They are 2001-CVH-0687 and 2001-CVH-0690. In each of those cases, as well as in the remaining Ohio Court Cases, Sayyah in alliance with his confederates has filed

affidavits of pretextual bias & prejudice against both the elected Court of Common Pleas judge and against the Honorable Patrick Foley, brought out of retirement at taxpayers' expense from Dayton in an abundance of caution by the Court in an attempt to resolve the litigation. The aforementioned numbered cases are currently under the personal review of Chief Justice Thomas Moyer of the Ohio Supreme Court, whose jurisdiction in disqualification-related matters is exclusive. Fearing that his cases will be remanded to the trial court pursuant to findings that the alleged bias & prejudice were pretextual and without merit, Sayyah and his confederates have expanded their efforts into the Federal Courts.

When the instant case was initiated by plaintiffs Sayyah & Frank on July 11th of 2001, plaintiffs declined to file the documents required under the Federal Rules to perfect service of process. This was done for tactical reasons. Plaintiffs Sayyah and Frank filed applications as candidates for the respective Boards of Trustees of the Waynoka Property Owners Association and the Waynoka regional Water & Sewer District. Lake Waynoka is a gated community in Brown County, Ohio which until the predatory activities of plaintiffs and their confederates was a wonderful and a peaceful place to live. It should be noted that plaintiff Sayyah is a self-defined hostile takeover specialist.

Defendant Freeman, in the routine course of practicing law in this Court and in State Court, discovered the filed but unserved Civil R.I.C.O. case. As a resident of the community of Waynoka, as a concerned citizen, and as an informal officer of the Courts movant took it upon himself at his own expense to send approximately 2,150 letters to all property owners of record, warning them that candidates Sayyah & Frank had essentially filed fraudulent resumes with Waynoka's Director of Elections, by omitting the fact that they were also suing the very Boards upon which they sought to serve by deliberately excluding any reference to the pending litigation.

Plaintiffs Sayyah & Frank lost by a landslide in each of the aforementioned races. Subsequent to that time, plaintiffs sued movant and the winning candidates in State Court, notwithstanding the fact that movant's activities in sending out the letter were clearly protected by the First and Fourteenth Amendments of the United States Constitution, as well as by Article One Sections Three and Eleven of the Constitution of the State of Ohio.

Predecessor Senior Judge Herman Weber called plaintiffs' attempts to keep defendants herein from meeting with their own attorneys "unconstitutional since 1791". In plaintiffs' most recent filing, Robert Rickling [coplaintiff of Sayyah and Frank in other pending cases] referred to Judge Weber as a "liar", and both Sayyah & Frank & Rickling continue their straightforward references to this very court as "corrupt" and "evil".


It is not complicated to understand the agenda of plaintiffs Sayyah & Frank, and of their confederates in various permutations and combinations in both this Court and in State Court. While complaining that they want trials, they do everything to obstruct trial by attempting to disqualify attorneys for the Lake's own insurers for pretextual conflicts of interests, and by never finding any Magistrate Judge, Circuit Judge, Senior Judge, Chief Judge, or Appellate Judge who can "measure up" to their standards.

Abraham Lincoln was correct when he wrote that "A house divided cannot stand". In Southwest Ohio, metaphorically it can be stated that both the "House" of State Courts and the "House" of Federal Courts are under assault by Sayyah. He has proven himself to be a vexatious litigator, a serial abuser of process, and an unauthorized practitioner of law. While this movant is grateful to this Court for the order recommending dismissal of plaintiffs' complaint, it is respectfully submitted that the very action of the redundant and offensive pleading that was the motivation for this defendant to file his motion indicates that only a more aggressive countermeasures can stop Sayyah and his confederates from their deranged and evil "hostile takeover" of this very body. On this the eve of Veteran's Day, movant thinks of the sacrifices of the men & women who gave us this precious thing we call "democracy". Hon. Herman Weber understood this concept, although he never bragged of his bronze star and his purple heart. Will we jeopardize his sacrifices?

Both Judge Patrick Foley of Dayton, sitting by assignment in Brown County Court of Common Pleas, and this defendant-movant have in common the fact that they have patiently waited for [respectively] the State and Federal Courts to recognize the "clear & present danger" to the existences of those very Courts which plaintiffs define. On a personal note, both Judge Foley and defendant-movant have coincidentally acquired aggressive forms of prostate cancer during the 3+ years that Sayyah and his confederates have inappropriately monopolized the resources of both Court systems. Neither one of us ever thought that these related cases might in fact become our last cases. Nevertheless movant feels confident in speaking not just for himself but for Judge Foley in stating that the price was not too great, the sacrifice not too high, if in fact the entities to whose service each of us have devoted our entire professional lives can survive intact. We as a nation learned a hard lesson on September 11th of 2001 that our greatest dangers can come from within. It is respectfully submitted that two months to the day earlier, on July 11th of 2001, the initiation of this action [followed by redundant actions all similar in that they share the goal fo bringing both the Lake and the U.S. Courts to their knees] constitutes a threat which notwithstanding its nonviolence is just as terrifying.

WHEREFORE defendant-movant requests this Court to determine that the mere filing of the latest action by plaintiffs constitutes contempt of court, with a companion request for the due process evidentiary hearing. Further relief is up to this tribunal.

Respectfully submitted,



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I certify that on the filing date time-stamped hereon I have sent duplicate originals of this pleading to the following by U.S.

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